

### **REMARKS**

In the above-mentioned Office Action, all of the pending claims, claims 1-21, were rejected. Claims 1-4, 7, and 15-21 were rejected under §102(b) over Notenboom. Claims 5-6 were rejected under §103(a), also over Notenboom, and claims 8-14 were rejected under §103(a) over the combination Notenboom and Tanaka. Additionally, claims 19-21 were rejected under §101 for being directed to non-statutory subject matter, and claims 8-9, 13-14, and 20 were rejected under §112, second paragraph, for recitations lacking in antecedent bases or for being indefinite. Additionally, objection was made to claim 21 for failing to limit the subject matter of a previous claim, and objection was made to the title of the invention for not being descriptive.

Responsive to the rejection of the independent claims 1, 15, and 19 under §102(b) over Notenboom, the independent claims have been amended in manners believed better to distinguish the invention of the present application over the cited reference. Additional amendment has been made to claim 19 to overcome the §102 rejection thereof. Support for the amendments to claim 19 can be found, for instance, on page 3, lines 31- page 4, line 12.

With respect to exemplary claim 1, the claim has been amended, now to recite the steps of receiving and comparing, and to recite that, in the event that the second application is the predetermined prioritized application, the resource determining whether it has the authority to allocate itself to the second application, and, in the event that the resource has the authority to allocate itself to the second application, the resource allocates itself to the second application. Claims 15 and 19 have been analogously amended.

Notenboom fails to disclose such methodology or structure. Upon review of Notenboom, the reference appears to be directed to a resource management system using a coprocessor resource manager to allocate resources. And, the term resource in the reference corresponds to the hardware level 24, 25, and 26, shown in Figure 3 of the reference.

In short, as Notenboom utilizes a conventional resource manager model, the reference fails to disclose any of the features recited in claim 1, as now-amended or in claims 15 and 19, also as now-amended. With respect to claim 1, Notenboom fails to disclose a step of receiving a resource allocation request at a resource. Instead, it appears that a request is received at a resource manager PCRM 110. Further, Notenboom fails to disclose the step of comparing application identities at the resource. To the contrary, it appears that Notenboom discloses that a resource manager determines the evictable status of the node that is currently using a resource. Even if the node is evictable, the resource manager queries for permission to evict the subject node, elements 176 and 177 of Figure 6b wherein the yes and no flags are plainly the wrong way round, see, e.g., column 12, lines 35-39. It is the resource manager that is responsible for node eviction, so that it controls the whole resource allocation process. Accordingly, there is no disclosure of the resource determining whether it has the authority to allocate itself to the second application, and in the event that the resource has the authority to allocate itself to the second application, the resource allocates itself to the second application, as now recited in claim 1. As claims 15 and 19 have been analogously amended, these claims, as now-amended, are believed to be distinguishable over Notenboom for the same reasons.

As the dependent claims, dependent upon independent claims 1, 15, and 19 include all of the limitations of their respective parent claims, these claims are also believed to be distinguishable over Notenboom for the same reason.

Additionally, with respect to the rejection of claim 9 over the combination of Notenboom and Tanaka, the Applicant further notes that Tanaka fails to disclose storing the identity of the prioritized application at the resource. Column 5, lines 38-60 relied upon by the Examiner to reject claim 9, appears merely to describe what happens in the various lists, the unlock waiting task list 108, the execution ready task list 109, and the locking task table 104, maintained by the operating system when a task 1 that is holding a shared resource releases that resource in favor of a task too that is waiting for the resource. In Tanaka, the task 1 informs the operating system of the release of the resource, and the operating system makes the necessary list/table entries, so performing

the function of a resource manager. This disclosure, therefore, fails to pertain to the storing of the identity of the prioritized application at the resource.

Additionally, with respect to claim 11, neither Notenboom nor Tanaka appear to be directed to the resource itself making an allocation decision. The portion of Tanaka upon which the Examiner relied in the rejection appears to disclose that the locking task table 104, the unlock waiting task list 108, and the execution-ready task list 109 are clearly separate from the tasks 105(a), 105(b) and shared resources 106(a), 106(b), so there is no question of the identity of the prioritized application being passed to the resource.

New claims 22 and 30 have been drafted and are set forth herein. Claim 1 corresponds generally to that of the method recited in claim 1 except in that the final steps specifies the action to be taken if the resource does not have the authority to allocate itself. And, claims 29 and 30 are intended to be alternative ways of claiming the invention by reference to the respective roles of the resources and the resource manager. Claims 22 and 23-27 are dependent upon claims 15 and 19, respectively, and are believed therefore to be patentably distinguishable over the cited references, in any combination, for the same reasons as those given above with respect to their parent claims. And, claims 28 and 29 are further believed to be distinguishable over the cited references.


In light of the foregoing, independent claims 1, 11, 15, and 19, as now-amended, and the dependent claims dependent thereon, are believed to be in condition for allowance. Accordingly, reexamination and reconsideration for allowance of these claims is respectfully requested. And, newly-presented claims 28-30 are also believed to be in condition for allowance. Examination and consideration for allowance of these claims is respectfully requested. Such early action is earnestly solicited.

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Respectfully submitted,

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